2ND COUNCILMANIC DISTRICT

OPINION

* CASE NO: 94-70-A

This matter comes before the Board as a Petition for Variance to permit a distance between two buildings of 13 ft. in lieu of the required 25 ft. for buildings between the height of 20 ft. and 25 ft. The Petitioners, Elizabeth and Georgina Atueyi, testified; and their contractors, Richard Ely and Cecil Ogle, also testified. Five exhibits were entered into evidence. Petitioners' Exhibit No. 1 was signed by the owners of six neighboring properties. The next-door neighbors on both sides signed this petition stating that they do not intend to protest nor do they have any problem with the erection or building of the proposed garage.

From the testimony and exhibits, the Board finds the following facts:

The Petitioners seek to construct a 20 ft. by 24 ft. two-car garage on the driveway side of their property known as 14 Vivian Vale Court. The proposed garage will be 3 ft. from the property line between 14 and 16 Vivian Vale Court, and 13 ft. from the dwelling known as 16 Vivian Vale Court. The Petitioners' property is improved with a five-bedroom house with an aluminum siding exterior, a shingle roof, and aluminum downspouts and gutters. The lot size is approximately 8,000 sq. ft. The backyard is improved

PETITION FOR ZONING VARIANCE *

* * * * * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

and Administrative Variance for that property located at 14 Vivian Vale

Court in Randallstown section of Baltimore County. The Petitioners seek

relief from Section 1801.2.C.6 of the Baltimore County Zoning Regulations

(B.C.Z.R.) and Section V.B.3.b of the Comprehensive Manual of Development

Policy (CMDP) to permit a distance between two buildings of 13 ft. in lieu

of the required 25 ft., for buildings between the height of 20 and 25 ft.

Also sought is an amendment to the Final Development Plan of Old Mill

Estates, Section 1. The requested relief is more particularly described

which does not mandate a public hearing. That is, under Section 26-127 of

This Petition was originally filed as an Administrative Variance,

on Petitioners' Exhibit No. 1, the plat to accompany the Petition.

This matter comes before the Zoning Commissioner as a Petition for

14 Vivian Vale Court, 540 ft.

+/- E of c/l Mary Ridge Rd.

14 Vivian Vale Court

Petitioners

2nd Election District

2nd Councilmanic District

Elizabeth Atueyi, et al

Case No. 94-70-A Elizabeth Atueyi, et al

with a 15'5" by 14' deck. The rear yard slopes downward away from the house. The basement is at or near grade level. The Petitioners believe they need the garage primarily for the safety of themselves and their family. Each of the Petitioners has four children who reside at the property. The proposed garage will be constructed with matching siding, roof shingles, and downspouts and gutters. Add-on garages have been constructed in the neighborhood. The exterior appearance of the property and the proposed garage will be compatible with the neighborhood.

From the evidence presented, the Board concludes that the Petitioners have met their burden of proof under Section 307 of the Baltimore County Zoning Regulations (BCZR). Specifically, the Petitioners have shown practical difficulty in regard to protecting the safety of their family from crime which is rampant in our society. Moreover, special conditions exist which are peculiar to the land and which would prohibit the construction of the garage elsewhere on the property. The rear yard is not suitable for the construction of a garage for both structural and compatibility reasons. The Board further concludes that the proposed garage would cause no injury to the public health, safety or general welfare, and that the granting of the requested variance would be in strict harmony with the spirit and intent of the BCZR.

THEREFORE, IT IS this 8th day of March , 1994, by the County Board of Appeals of Baltimore County,

ORDER

Although Mr. Carasik's correspondence does not object to the Petition, per se, certain information was related within that correspondence that, in my view, justified a public hearing.

Appearing at the public hearing on behalf of the Petition was Cecil Ogle, a contractor with City Maintenance Corporation. It is apparently his company that will construct the proposed garage. Inexplicably, neither of the property owners appeared.

Mr. Ogle indicated that the Petitioners propose to construct a $20~\mathrm{x}$ 24 ft. garage on the east side of the property. The garage will maintain a 3 ft. setback distance from the property line. The adjacent dwelling on side is 10 ft. from the common property line; thus, a total distance of 13 ft. will be maintained. This is less than the required 25 the present time, a distance of approximately 33 ft. is maintained. After the hearing, Mr. Ogle also submitted a copy of a Petition. This document, which has been marked as Patitioners' Exhibit No. 2, indicates that the signatories thereto "do not intend to protest or have any problem with the erection or building of the proposed garage."

As to the proposed use of the garage, no explanation was offered. Mr. Ogle did not testify as to why a garage of the dimensions proposed was The property owners, on the Petition submitted, stated that the basis of the practical difficulty and justification of the variance was

The granting of variances from the B.C.Z.R. is provided for in Section 307 of those regulations. That section provides that variances strict harmony with the spirit and intent of the regulations and only in

such a manner so as to ensure that there will be no injury to the public health, safety or general welfare. The Petitioner/property owner carries

In this case, no such proof has been offered. Rather, the property owners have adopted a cavalier attitude. They did not attend the hearing, nor offer any evidence to satisfy their burden at law. They have not established that either practical difficulty or unreasonable hardship would exist if the variances were denied. Under the circumstances, the Petition must be denied.

the burden to demonstrate that the variances are warranted and are not

merely for the convenience of the landowner.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested should be denied.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 4 day of Movember, 1993 that a variance from Section 1801.2.C.6 of the Baltimore County Zoning Regulations (B.C.E.R.) and Section V.B.3.b of the Comprehensive Manual of Development Policy (CMDP) to permit a distance between two buildings of 13 ft., in lieu of the required 25 ft., for buildings between the height of 20 and 25 ft., for a garage and storage, be and is hereby DENIED

Any petition for judicial review from this decision must be made in accordance with Rule 7-201 through Rule 7-210 of the

ORDERED that the requested variance to permit a distance

between two buildings of 13 ft. in lieu of the required 25 ft. for

buildings between the height of 20 ft. and 25 ft. be GRANTED; and

that the Final Development Plan of Old Mill Estates may be amended

Case No. 94-70-A Elizabeth Atueyi, et al

in accordance with this Order.

Maryland Rules of Procedure.

COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY

Judson H. Lipowitz, Acting Chairman

Very truly yours,

Ms. Elizabeth Atueyi

14 Vivian Vale Court

Dear Ms. Atueyi:

Randallstown, MD 21133

in the subject matter.

Charlette & Roselett ge. Kathleen C. Weidenhammer Administrative Assistant

Elizabeth Atueyi, et al -Petitioners

County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49

400 WASHINGTON AVENUE

TOWSON, MARYLAND 21204

(410) 887-3180

March 8, 1994

RE: Case No. 94-70-A

Enclosed please find a copy of the final Opinion and Order

issued this date by the County Board of Appeals of Baltimore County

Enclosure

cc: Ms. Georgina Atueyi Mr. Stuart Carasik People's Counsel for Baltimore County Jim Shea /Building Inspection P. David Fields Lawrence E. Schmidt Timothy M. Kotroco W. Carl Richards, Jr. /ZADM Docket Clerk /ZADM Arnold Jablon, Director /ZADM

Printed with Soybean Int.

an Recycled Paper

Baltimore County Government Zoning Commissioner Office of Planning and Zoning

Suite 113 Courthouse 400 Washington Avenue Towson, MD 21204

(410) 887-4386

November 2, 1993

Ms. Elizabeth Atueyi Ms. Georgina Atuevi 14 Vivian Vale Court Randallstown, Maryland 21133

> RE: Case No. 94-70-A Petition for Variance Property: 14 Vivian Vale Court

Enclosed please find the decision rendered in the above captioned case. The Petition for Zoning Variance has been denied, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

Very truly yours

the Baltimore County Code, the Zoning Commissioner is empowered to grant variances from certain area and height regulations without a public hearing if the subject of the Petition involves an owner/occupied lot zoned residential. However, a public hearing can be mandated when same is requested by an owner of property who lives within 1,000 ft. of the subject site or requested by the Zoning Commissioner. In this case, corresponding dence was received from Stuart Carasik, who resides at 10 Vivian Val

ZONING COMMISSIONER

OF BALTIMORE COUNTY

090 EN

LES/mm

		rty located at	
			which is presently zoned $\mathcal{DR}2$
The undersig ereto and ma distance oullding	ned, legal owner(s) of the de a part hereof, hereby ; - between it.Wo bu	property situate in Baltin petition for a Variance from ildings of 13 f	ration & Development Management. There County and which is described in the description and plat attached in Section(s) 1801.2.c.6 (V.B.3.b). To permit a lite. In lieu of what's required. 25 ft. for ght and to amend the F.D.P. of Old Mill
f the Zoning I		County, to the Zoning Lav	v of Baltimore County; for the following reasons: (indicate hardship or
	= :	garage	and dorage
			(We do scientify declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.
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CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY

Posted for: Pariance

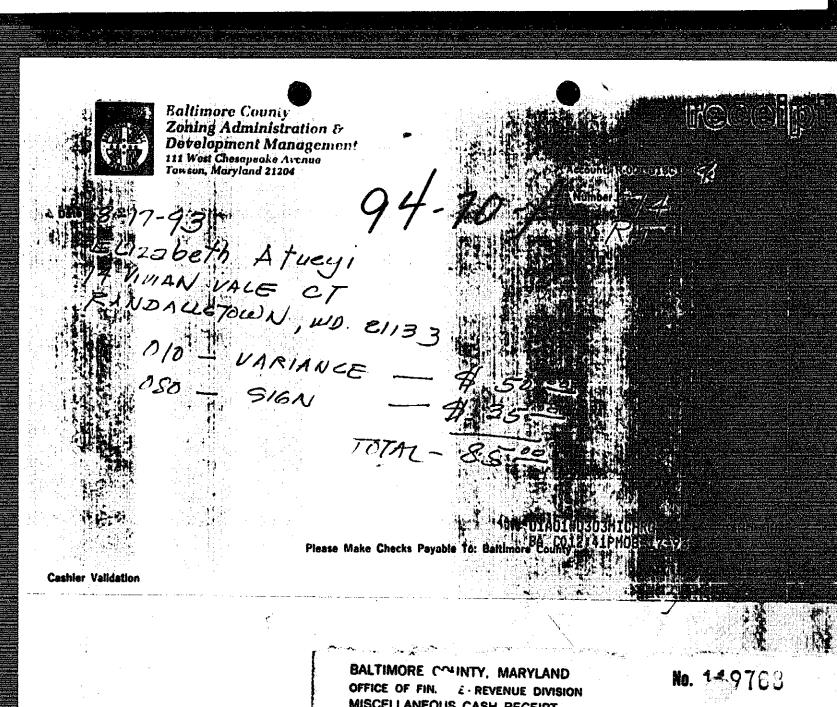
Petitioner: Elizabeth & Georginia Atueyi

Location of property: It Livien Val. C., N/S, 540 F/Mory Ridge Rd

Location of Signer Tocing You dway, on Importy Tube zoned

District Ind

That the information begain ower	under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows
	n is within the personal knowledge of the Affiant(s) and that Affiant(s) is/are competent to bublic hearing is scheduled in the future with regard thereto.
That the Affiant(s) does/do prese	III Hilliam Hala aprint
	Landallstown mp 21/33
	City State Zip Code
That based upon personal knowled Variance at the above address: (ind	edge, the following are the facts upon which l/we base the request for an Administrative licate hardship or practical difficulty)
For 9	larage and storage
	, <u> </u>
	that if a protest is filed, Affiant(s) will be required to pay a reposting and advertising fee an
That Affiant(s) acknowledge(s) to may be required to provide addition	
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(signature) (type or print name) STATE OF MARYLAND, COUNTIEREBY CERTIFY, this of Maryland, in and for the Countier Cou	STY OF BALTIMORE, to wit: Georging Attention Georging Attention Georging Attention
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VALIDATION OR SIGNATURE OF CASHIER

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Ø			BALTIMORE COUNTY, MARYLAND OFFICE OF FIN. E-REVENUE DIVISION MISCELLANEOUS CASH RECEIPT
MOTICE OF HEARING The Zoning Commissioner of Baitmore County, by authority of	CERTIFICATE OF PUBLICATION		DATE 11/17/93 ACCOUNT R-001
the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, lo- cated at 111 W. Chesapeake Av-	TOWSON, MD. 9123 , 1913		AMOUNT_\$35.
er Room 118, Old Courthouse.	THIS IS TO CERTIFY, that the annexed advertisement was		PROM: ELIZABETH ATUEVI
Towson, Maryland 21204 as fol- lews: Case Number: 94-70-A 14 Vivian Vale Court NS Vivian Vale Court, 540' +/- E of c Mary Ridge Road 2nd Election District 2nd Councimanic Petrioner(s): Elizabeth Asueyi and	published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of successive weeks, the first publication appearing on 9 23. 19 25.		POR: 14 VIVIAN VACE COURT - 94-70-A 02402NOL68HICHRO
Georginia Tueyri HEARING: THURSDAY, OCTOBER 21, 1993 at 11:00 a.m. in Rm. 116, Old Courtnouse. Variance: to permit a distance between two buildings of 13 feet			VALIDATION OR SIGNATURE OF CA
in fieu of 25 feet for buildings be- tween 20 feet and 25 feet in height; and to amend the FDP of Old Mill Estates, Section 1. LAWRENCE E. SCHMIDT, Zoning Commissioner for Baltimore County	THE JEFFERSONIAN. A. Henrilson LEGAL AD TOWSON	BALTIMORE COUNTY, OFFICE OF FINA REN MISCELLANEOUS CASI	NEWNE DIVISION
NOTES: (1) Hearings are Handi- carped accessible; for special accommodations Please Call 887-3353.	Deskinster	DATE 11 17 93	ACCOUNT R -001-6150
(2)For information concerning the File and/or Hearing, Please Call 887-3391.			AMOUNT \$ 175. αυ
		RECEIVED ELIZABE	INAUTA HT
		POR: 14 VIVIAN 94-70-A	VALE COURT - APPEAL

Three co	94-70-A pies are required. Copies of deeds cannot be used in place of this
describe.	ion. Use this fill-in format provided whenever possible; otherwise, type 8-1/2" x 11" sheet.
	[A 1/15/44 A 1 1 1 4 4 4 4 4 4 4 4 4 4 4 4 4 4 4
	ZONING DESCRIPTION FOR 14 VIVIAN VALE COURT
	Election District 2 Councilmanic District 2
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VIVIAI	N VALE COURT which is50'
(street d	on which property fronts) (number of feet of wight of see
wide at a	a distance of 540 ± EAST
	a distance of 540 ± EAST of the (number of feet) (north, south, east or west)
	ne of the nearest improved intersecting street HARY RIDGE RD
	(name of street)
which is	(number of feet of right-of-way width) wide. *Being Lot # 28
Block	, Section # / in the subdivision of
OLDE	(name of subdivision) as recorded in Baltimore County Plat
Book #	, Folio # 126, containing
8,042	(square feet and acres)
	ITEM#74
	*If your property is not recorded by Plat Book and Folio Number, then DO NOT attempt to use the Lot, Block and Subdivision
	description as shown, instead state: "As recorded in Doed
	Liber, Folio " and include the measurements and directions (metes and bounds only) here and on the plat in the
	correct location.
	Example of metes and bounds: N.87 12' 13" E. 321.1 ft., S.18
	27' 03" E.87.2 ft., S.62 19' 00" W. 318 ft., and N.08 15' 22" W. 80 Lt. to the place of beginning.

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Positioner: Flizaboth & Goorginia Stueyi
Location of property: 141 Vikien Val. Const., N/s, swif Mong Ridge Re Location of Signe Tocing you dury on property of Politioner

Baltimore County Government Office of Zoning Administration and Development Management 111 West Chesapeake Avenue (410) 887-3353 Towson, MD 21204

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204

Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 94-70-A N/S Vivian Vale Court, 540'+/- E of c/l Mary Ridge Road 2nd election District - 2nd Councilmanic Petitioner(s): ELizabeth Atueyi and Georginia Tueyi HEARING: THURSDAY, OCTOBER 21, 1993 at 11:00 a.m. in Rm. 118, Old Courthouse.

Variance to permit a distance between two buildings of 13 feet in lieu of 25 feet for buildings between 20 feet and 25 feet in height; and to amend the FDP of Old Mill Estates, Section 1.

cc: Elizabeth and Georgina Atusyl Stuart Carasik

NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE. (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMPRODATIONS PLEASE CALL 887-3353. (3) FOR INFORMATION CONCRRING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.

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Baltimore County Government Office of Zoning Administration and Development Management

111 West Chesapeake Avenue Towson, MD 21204

(410) 887-3353

September 14, 1993

Mss. Elizabeth Atueyi and Georgina Atueyi 14 Vivian Vale Court Randallstown, Maryland 21133

> RE: Case No. 94-70-A, Item No. 74 Petitioner: Elizabeth Atueyi, et al Potition for Administrative Variance

Dear Mss. Atueyi:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties, i.e., zoning commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on August 17, 1993, and a hearing was scheduled accordingly.

The following comments are related only to the filing of future zoning politions and are aimed at expediting the petition filing process with this office.

1. The director of Zoning Administration and Development Management hes instituted a system whereby seasoned zoning attorneys who for that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing recordents can file their petitions with this office without the secessity of a preliminary review by zoning personnel.



O. James Lighthizer Secretary Hat Kassoff Administrator

e-26-93

Ms. Helene Kehring

Zoning Administration and
Development Management
County Office Building

Re: Baltimore County

Item No.: * 74 (FT)

Dear Ms. Kehring:

111 W. Chesapeake Avenue Towcon, Maryland 21204

Room 109

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration projects.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

John Contestabile, Chief Engineering Access Permits

12/15/93 -Notice of Assignment for hearing scheduled for Wednesday, February 23, 1994 at 10:00 a.m. sent to following:

Elizabeth Atueyi and

People's Counsel for Baltimore County

Georgina Atueyi

Mr. Stuart Carasik

Lawrence E. Schmidt

W. Carl Richards, Jr. /ZADM

Arnold Jablon, Director /ZADM

Timothy H. Kotroco

Docket Clerk /ZADM

P. David Fields

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration and
Development Management

DATE: August 30, 1993

FROM: Pat Keller, Deputy Director
Office of Planning and Zoning

SUBJECT: Petitions from Zoning Advisory Committee

The Office of Planning and Zoning has no comments on the following petition(s):

Item Nos. 62, 71, 72, 73, 74, 76, 77, 78, 81, 82, 84, 86, 87 and 88.

If there should be any further questions or if this office can provide additional

information, please contact Jeffrey Long in the Office of Planning at 887-3480.

Division Chief:

PK/JL:lw

ZAC.62/PZONE/ZAC1

111 West Chesapeake Avenue

Towson, MD 21204

Baltimore County Government

Office of Zoning Administration

and Development Management

(410) 887-3353

(100)

Mr. Stuart Carasik 10 Vivian Vale Court Randallstown, MD 21133

RE: Petition for Variance
14 Vivian Vale Court
2nd Election District
2nd Councilmanic District
Elizabeth N. Atueyi, et al-Petitioner
Case No. 94-70-A

November 17, 1993

Dear Mr. Carasik:

Please be advised that an appeal of the above-referenced case was filed in this office on November 16, 1993 by Elizabeth Atueyi and Georgina Atueyi. All materials relative to the case have been forwarded to the Board of Appeals.

If you have any questions concerning this matter, please do not hesitate to contact Julie Winiarski at 887-3391.

Sincerely,

AJ:jaw

cc: People's Counsel

Printed with Soybean ink on Recycled Paper

. . . .

COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY

MINUTES OF DELIBERATION

IN THE MATTER OF: Elizabeth Atueyi, et al -Petitioners Case No. 94-70-A

S. Diane Levero

DATE: February 23, 1994 /at conclusion of hearing

BOARD /PANEL: Judson H. Lipowitz (JHL)
Harry E. Buchheister, Jr. (HEB)

SECRETARY: Kathleen C. Weidenhammer
Administrative Assistant

Those present included Elizabeth Atueyi and Georgina Atueyi, Petitioners; and Richard Ely and Cecil Ogle, Petitioners' contractors.

(SDL)

PURPOSE --to deliberate issues and matter of petition for variance presented to the Board; testimony and evidence taken this date. Opinion and Order to be issued by Board setting forth written findings of fact.

Opening statement by Acting Chairman Lipowitz included recitation of case number, name and subject of petition filed.

JHL: Reviewed testimony received as to the proposed garage, the subject property in general and its improvements; the signed petition entered as Petitioners' Exhibit No. 1 signed by both next-door neighbors, namely, Jon and Kathy Alexander (12 Vivian Vale Court) and Renee and James Watkins (16 Vivian Vale Court); and the special conditions of property. Upon review of all evidence and exhibits, inclined to grant requested variance; burden has been met.

Petition for Variance should be granted.

SDL: Agrees with JHL; inclined to grant for reasons as given by JHL. Petitioners have met burden of proof pursuant to BCZR.

Petition should be granted.

HEB: Convinced from testimony and evidence that petition should be approved, primarily based on testimony of Ogle and Ely as to hardship of constructing garage in any other location, as well as obvious benefit it would bring.

Variance should be granted.

Deliberation /ELIZABETH ATUEYI, ET AL /94-70-A

JHL, in closing remarks, indicated that it was the final decision of the Board that the requested variance be granted; also addressed the issue of amendment to FDP, which would be further addressed in the Board's written Opinion and Order; believes it goes hand in hand with the final decision; written Opinion and Order to be issued, citing facts upon which the decision was made; appellate period to run from date of that written Opinion and Order and not from today's date.

Respectfully submitted,

Kathleen C. Weidenhammer Administrative Assistant BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

Petition for Variance 540 ft. E of c/l Mary Ridge Rd

(14 Viviac Vale Court)

Elizabeth Atueyi, et al - PETITIONER

Cade No. 94-76-A

2 - Neighborhood Petition

August 30, 1993

1 - better from Stuart Carasik dated

Patrick Keller, Office of Planning & Zoning Lawrence E. Schmidt, Zoning Commissioner W. Carl Richards, Jr., Zoning Coordinator

2md Election District - 2md Councilmanic District

Petition(s) for Variance

Description of Property

Certificate of Posting

Certificate of Publication

Zoning Plans Advisory Committee Comments

Protestant's Exhibits: (Not Marked)

Atueyi and Georginia C. Atueyi

Randallstown, MD 21133

People's Counsel of Baltimore County

Petitioner's Exhibits: 1 - Plat to Accompany Variance

Zoning Commissioner's Order dated November 4, 1993 (Denied)

Rm. 304, County Office Bldg., Towson, Md. 21204

Docket Clerk

Notice of Appeal received on November 6, 1993 from Elizabeth N.

c: Mses. Elizabeth Atueyi and Georgina Atueyi, 14 Vivan Vale Court,

Request Notification: P. David Fields, Director of Planning & Zoning

Mr. Stuart Carasik, 10 Vivian Vale Court, Randallstown, MD 21133

Arnoid Jablon, Director of ZADM

TO: Arnold Jablon, Director
Zoning Administration &

Zoning Administration & DATE: May 25, 1994
Development Management

ROM: Charlotte E. Radcliffe (L) County Board of Appeals

SUBJECT: Closed File: Case No. 94-70-A ELIZABETH ATUEYI, ET AL District 2c2

As no further appeals have been taken regarding the subject case, we are closing the file and returning same to you herewith.

Attachment

2



County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49 400 WASHINGTON AVENUE TOWSON, MARYLAND 21204 (410) 887-3180 May 25, 1994

Elizabeth Atueyi Georgina Atueyi 14 Vivian Vale Court Randallstown, MD 21133

> RE: Case No. 94-70-A ELIZABETH ATUEYI, ET AL

Dear Mses. Atuevi:

As no further appeals have been taken regarding the subject matter, we have closed the file and returned same to the Office of Zoning Administration and Development Management, along with any exhibits entered in this matter. The Zoning Office maintains the permanent file.

Anyone interested in either the file or the exhibits is advised to contact the Zoning Director's office at 887-3353 immediately upon receipt of this letter. By copy of this letter, all parties of record that may have an interest in this file have been notified.

> Sincerely, Charlotte E. Radcliffe Legal Secretary

> > Elizabeth Atueyi

Ms. **g**eorgina Atueyi 14 Vivian Vale Court

November 12 1993

Randallstown, MD 21133

cc: Stuart Carasik People's Counsel for Baltimore County

Printed with Soybean Ink

Baltimore County Government

Office of Planning and Zoning

RE: Case No. 94 -70-A

Appeal for Variance

at 10 Vivian Vale Court.

the hearing.

satisfactory to us.

Property: 14 Vivian Vale Court

They did tell us our presence is not needed.

Thanks for your letter dated November 2nd 1993. We do appreciate

the time you took in explaining why our " Petition for Variance " (based on the provision of Section 1801.2.C.6 of the B.C.Z.R. and Section V.B.3.b of the CMDP) is denied. The reasons for the denial

A. The correspondence received from Mr. Stuart Carasik who resides

B. That we adopted a cavalier attitude and consequently did not attend

C. That we failed to prove or demonstrate why the Variances are warranted

Based on misguidance, misinformation, and ignorance, from our contractors,

we cannot but feel deprived of what is so appropriate for us. In lieu of this, we do appeal to be given another chance to be seen and heard after which any conclusion reached on our 'Variance 'request will be

OUR RESPONSE: On the surface, you are very correct, when you concluded

advice of our contractors Punte Contracting/City Maintenace Corporation.

that we adopted a cavalier attitude. In all honesty, we acted on the

On March 29 1993, we entered into a contract with Punte Contracting as

loan from The Money Store. We are first home buyers and may explain

evidenced in the enclosed copy. Shortly after that, we took out a

are well understood and from our point of view are based on

and not merely for the convenience of the landowner.

Zoning Commissioner

Dear Sir,

11 West Chesapeake Avenue Towson, MD 21204

(410) 887-3353

AUGUST 27, 1993

NOTICE OF CASE NUMBER ASSIGNMENT

Baltimore County Government Office of Zoning Administration

and Development Management

Elizabeth and Georgina Atueyi 14 Vivian Vale Court Randallstown, Maryland 21133

CASE NUMBER: 94-70-A (Item 74) 14 Vivian Vale Court N/S Vivian Vale Court, 540'+/- E of c/l Mary Ridge Road 2nd Election District - 2nd Councilmanic

Please be advised that your Petition for Administrative Zoning Variance has been assigned the above case number. Contact made with this office regarding the status of this case, should reference the case number and be <u>directed to 887-3391</u>. This notice also serves as a refresher regarding the administrative process.

1) Your property will be posted on or before September 5, 1993. The closing date (September 20, 1993) is the deadline for a neighbor to file a formal request for a public hearing. After the closing date, the file will be reviewed by the Zoning or Deputy Zoning Commissioner. They may (a) grant the requested relief, (b) deny the requested relief, or (c) demand that the matter be set in for a public hearing. You will receive written notification as to whether or not your petition has been granted, denied, or will go to public hearing.

2) In cases requiring public hearing (whether due to a neighbor's formal request or by Order of the Commissioner), the property will be reposted and notice of the hearing will appear in a Baltimore County newspaper. Charges related to the reposting and newspaper advertising are payable by the petitioner(s).

3) Please be advised that you must return the sign and post to this office. They may be returned after the closing date. Failure to return the sign and post will result in a \$60.00 charge.

PLEASE UNDERSTAND THAT ON THE DATE AFTER THE POSTING PERIOD, THE PROCESS IS NOT COMPLETE. THE FILE MUST GO THROUGH FINAL REVIEW. ORDERS ARE NOT AVAILABLE FOR DISTRIBUTION VIA PICK-UP. WHEN READY, THE ORDER WILL BE FORWARDED TO YOU VIA FIRST CLASS MAIL.

Printed with Soybean trik

County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49 400 WASHINGTON AVENUE TOWSON, MARYLAND 21204 (410) 887-3180

Hearing Room - Room 48 Old Courthouse, 400 Washington Avenue

December 15, 1993 NOTICE OF ASSIGNMENT

NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT REASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND IN STRICT COMPLIANCE WITH RULE 2(b). NO POSTPONEMENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEARING DATE UNLESS IN FULL COMPLIANCE WITH RULE 2(c), COUNTY COUNCIL BILL NO. 59-79.

CASE NO. 94-70-A

ELIZABETH N. ATUEYI, ET AL 540' E of c/l Mary Ridge Road (14 Vivian Vale Court) 2nd Election District 2nd Councilmanic District

VAR -To permit distance between two buildings of 13' in lieu of required 25' for buildings between the height of 20 and 25'; Amendment to FDP of Old Mill Estates, Section 1.

11/04/93 -Z.C.'s Order in which Petition for Variances was DENIED.

ASSIGNED FOR:

WEDNESDAY, FEBRUARY 23, 1994 at 10:00 a.m.

cc: Elizabeth Atueyi and Georgina Atueyi

Mr. Stuart Carasik

Appellants /Petitioners

People's Counsel for Baltimore County P. David Fields Lawrence E. Schmidt Timothy H. Kotroco W. Carl Richards, Jr. /ZADM Docket Clerk /ZADM Arnold Jablon, Director /ZADM

> Kathleen C. Weidenhammer Administrative Assistant

Y Printed with Soybean Ink

August 30, 1993

Mr. Lawrance Schmidt Zoning Commissioner Room 113 Old Court House 400 Washington Avenue Towson, Maryland 21204

RE: Case #94-70A

Dear Commissioner Schmidt:

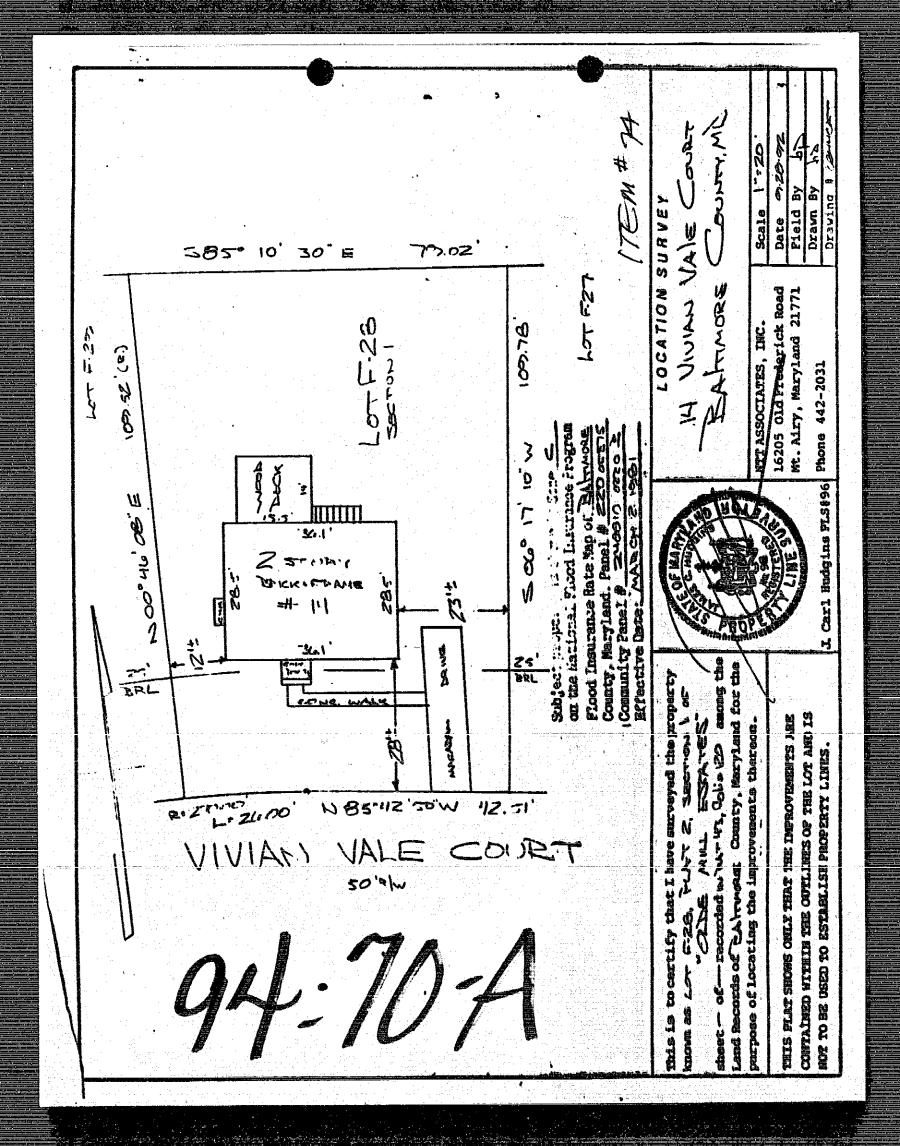
I am concerned with your decision to allow a garage to be constructed on the property known as 14 Vivian Vale Court, Randallstown, Maryland 21133 (Lot #28). That property is not landscaped to accommodate a garage. When we first moved into our home at 10 Vivian Vale Court 13 years ago, we were told that the property would not support the weight of a garage. This information was supplied by the building engineer working for Ryland Homes at that time. He indicated that the amount of fill required to construct a garage would cause an undue amount of settlement that would in turn cause the garage to crumble.

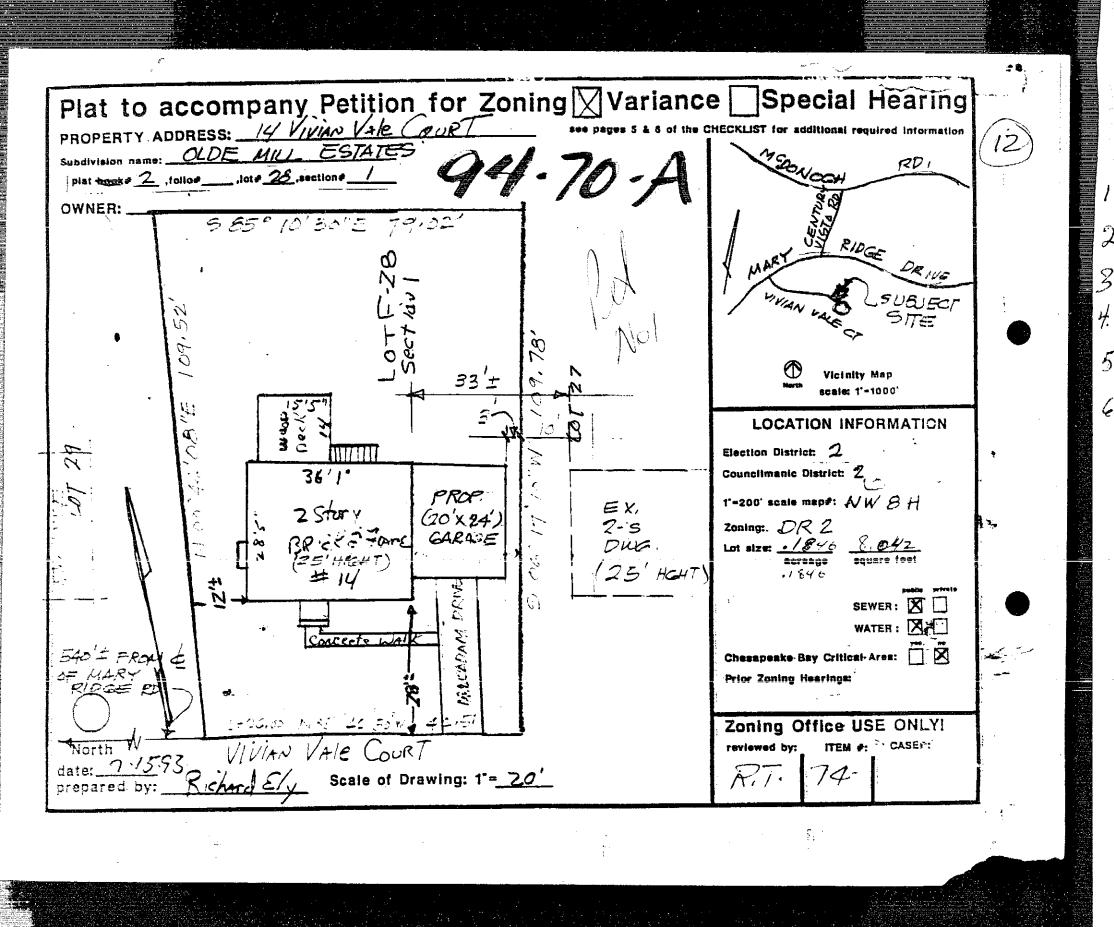
My main concern is the unsightly situation that would result if this should occur. In addition, I am not sure that my neighbors are aware of this possible hazard. I do not know them, but would appreciate your passing along this information to them prior to their beginning construction. It may save them a lot of unnecessary expense. Thank you for your cooperation.

Sincerely yours,

Stuart Carasik 10 Vivian Vale Court Randallstown, MD 21133 655-9595

FRONT SIDE ITEN#74





TO WHOM IT MAY CONCERN

We, the undersigned, do not intend to protest or have any problem with the erection or building of the proposed 'Garage' structure at 14 Vivian Vale Ct premises.

2. Mary Dawa Het Mary Hook I Dienier Vale. It: 1. ISANC S. MANTOO, Enclear K. Many Cot for Pulls Johnny & Martena Clinton - Johnny & Matter Cluber 18 Vivin Valect 2/133 5. Jan: Kathy Alexander - Jam. Daty J. Olepula 12 Vivian Vale Ct 2113. Charles & Pat Payme Chal Jo 9 Vivain Vale Ct. 2113

· Relitition of # 1. TO WHOM IT MAY CONCERN

We, the undersigned, do not intend to protest or have any problem with the erection or building of the proposed 'Garage' structure at 14 Vivian Vale Ct premises.

1. Senut James Watking - Tomistiske 16 Vivian Vale et, 2. Mary Dawn Hote Mary Hook I Vivia Vale et. 3. ISANCS. MANTER, Enclear K. Wenger 13 DIVIAN A ! Johnny & MARTERA Clinton - Johnny & Matter Cluber 18 Vivin Vale of 2113: 5. Jan: Kathy Alexander - Jam. : Nally J. Cleand 12 Vivian Vale Ct 2113 6. Charles & Pat Payme Chal P 9 Vivian Vale Ct. 2113

CHORSE STAIDARD FORM OF AGREMENT BETWEEN CONTRACTOR AND OWNER

#0112

Nineteen Hundred and 93 by and between Purity Contractors in the year hereinafter called the Contractor, and Elizabeth Owner, Witnesseth, that the Contractor and the Owner for the considerations armed agree as follows:

The work to be performed under this Contract shall be commenced. Upon recount of permission shall be substantially completed within 14 Working days

ARTICLE 3. THE CONTRACT SUM funds as follows: \$ 12,700.00

Orders will be submitted by the Contractor for all work not specifically included in this Contract ARTICLE 4. PROGRESS PAYMENTS

4,233.00 - Down payment 4,233.00 - Upon completion of footer & doct of 2,117.00 - upon completion of framing start 2,117.00 - upon total completion & according to completion & according to the amount retained after the work reachers a completion of according to the amount retained after the work reachers a completion of according to the amount retained after the work reachers a completion of the according to the amount retained after the work reachers a completion of the according to the according to

ARTICLE 5. ACCEPTANCE AND FINAL PAYMENT

Final payment shall be due Waltur 3 days after substantial completion of the work provided the work be and the Contract fully performed.

The General Conditions of the Contract, the Specifications and the Drawings, together with this Agreement, from the Coare as fully a part of the Contract as if hereto attached or herein repeated. The following is an itemization of other or

Refer to proposal # 0423 for specifications

Cotitionion 5 #33 BORROWER (S NAME AND ADDRESS LENDER'S NAME AND AD Elizabeth N. Atucyi The Money Store/Maryland Inc. Georgina C. Atueyi 920 Providence Road, Suite 101 14 Vivian Vale Court Towson, Maryland 21294 Baltimore (Randallstown), Maryland 21133 LOAN NO. 036-001-00601070-1 FEDERAL TRUTH-IN-LENDING DISCLOSURE Page I TOTAL OF PAYMENTS FINANCED CHARGE PERCENTAGE

The amount of credit The amount you will RATE The dollar amount have paid after you the credit will cost provided to you or on The cost of your have made all payments zour behalf. eredit as a as scheduled. vestly rate \$14,608.34 \$37,416.60 \$22,808.26

Your payment schedule will be: When Payments are Due Amount of Payments Number of Payments Monthly Beginning May 20, 1993 \$207.87 Security: You are giving a security interest in real estate located at: 14 Vivian Vale Court

Baltimore (Randallstown), Maryland 21133 Assumption: If checked, this is a residential mortgage transaction. Someone buying your house may not be permitted to assume the remainder of the mortgage obligation on the original terms.

Prepayment: If you pay off early you will not have to pay a penalty.

be entitled to a refund of part of the finance charge. See your contract documents for any additional information about nonpayment, default, any required repayment in full before the scheduled date, prepayment refunds and penalties, and terms of assumption.

e means an estimate The amounts shown as the finance charge and total of payments are based on the assumption that you will pay the monthly installments when due. Late payment of the monthly installments will increase the finance charge and total of payments, early payment will decrease them.

Credit life insurance and credit disability insurance are not required to obtain credit, and will not be provided unless you sign and agree to pay the additional cost. Disability insurance covers the insured horrower and is offered only with credit life.

*See Truth In Lending Disclosure Page 2

Type Premium I want credit life insurance Credit Life \$0.00 on insured borrower I want credit disability insurance Credit \$0.00 on insured borrower Disability I want joint credit _____ Joint Credit Life

Borrowers may cancel credit life/disability insurance within 25 days of the loan upon written notice, together with the policy or certificate of insurance, to the lender and premium shall be refunded in full.

Term of insurance, if different than the term of the loan Credit Life N/A months N/A Credit Disability N/A months Property insurance is required and flood insurance may be required. Both may be obtained from anyone you want that is acceptable to the lender. _____. I have received a copy of this statement before signing any contract document concerning this loan. 04/14/93

Attorney at Law

Elizabeth N. Atucyi actueri 04/14/93 Georgina C. Atucyi

Petitioner's It Plat to accompany Petition for Zoning Variance Special Hearing
PROPERTY ADDRESS: 14 VIVIAN VAIR COURT See pages 5 & 6 of the CHECKLIST for additional required information
Subdivision names OLDE MILL ESTATES pint series 2 ,follos ____,lots 28 ,sections / 5 85° 10' 30" E 79.02" LOCATION INFORMATION Continga. DR2Lot sizes -/846 8.042 .1846 SEWER: X 🗓 540' FRE Zoning Office USE ONLY! prepared by: Richard Ely Scale of Drawing: 1- 20"

